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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * * * *

JAMES CONNELLY,)	
)	
Plaintiff,)	3:05-cv-00431 LRH (RAM)
)	
vs.)	
)	<u>ORDER</u>
TERRY GILMARTIN,)	
)	
Defendant.)	
_____)	

The Clerk of the Court has brought to the court’s attention that after this action was dismissed on July 14, 2006, with Judgment thereafter entered in favor of Defendant (Doc. #58) on July 17, 2006, a Notice of Intent to File Appeal by Plaintiff (Doc. #61) was filed by Plaintiff on October 2, 2006. Thereafter, a Motion to Dismiss Plaintiff’s Petition for Appeal (Doc. #62) was filed by Defendant on October 19, 2006. An answer/response to Defendant’s motion to dismiss (Doc. #63) was filed by Plaintiff on November 8, 2006.

In reviewing the above history, this action was dismissed and judgment was entered in favor of Defendant on July 17, 2006. Pursuant to Fed. R. App. P. 4(a)(1)(A), an appeal from the judgment awarded in favor of Defendant would have had to have been filed within thirty (30) days of the entry of judgment. Plaintiff’s Notice of Intent to File Appeal (Doc. #61) was filed on October 2, 2006, well beyond the thirty (30) day period for filing of an appeal.

This action was dismissed and judgment was entered in favor of Defendant on July 17,

1 2006. Although Plaintiff could have appealed the judgment in favor of Defendant over the thirty
2 (30) day period following the dismissal of this action, that did not occur. That being the case, all
3 actions subsequent to that time are moot for the reason that the July 17, 2006, judgment in favor of
4 Defendant is a final judgment.

5 All notices and motions filed after that date are, therefore, dismissed as moot.

6 IT IS SO ORDERED.

7 DATED this 11th day of June, 2007.

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LARRY R. HICKS
UNITED STATES DISTRICT JUDGE